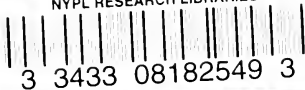


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# HISTORICAL SKETCH

OF

# Shawnee County

## KANSAS.

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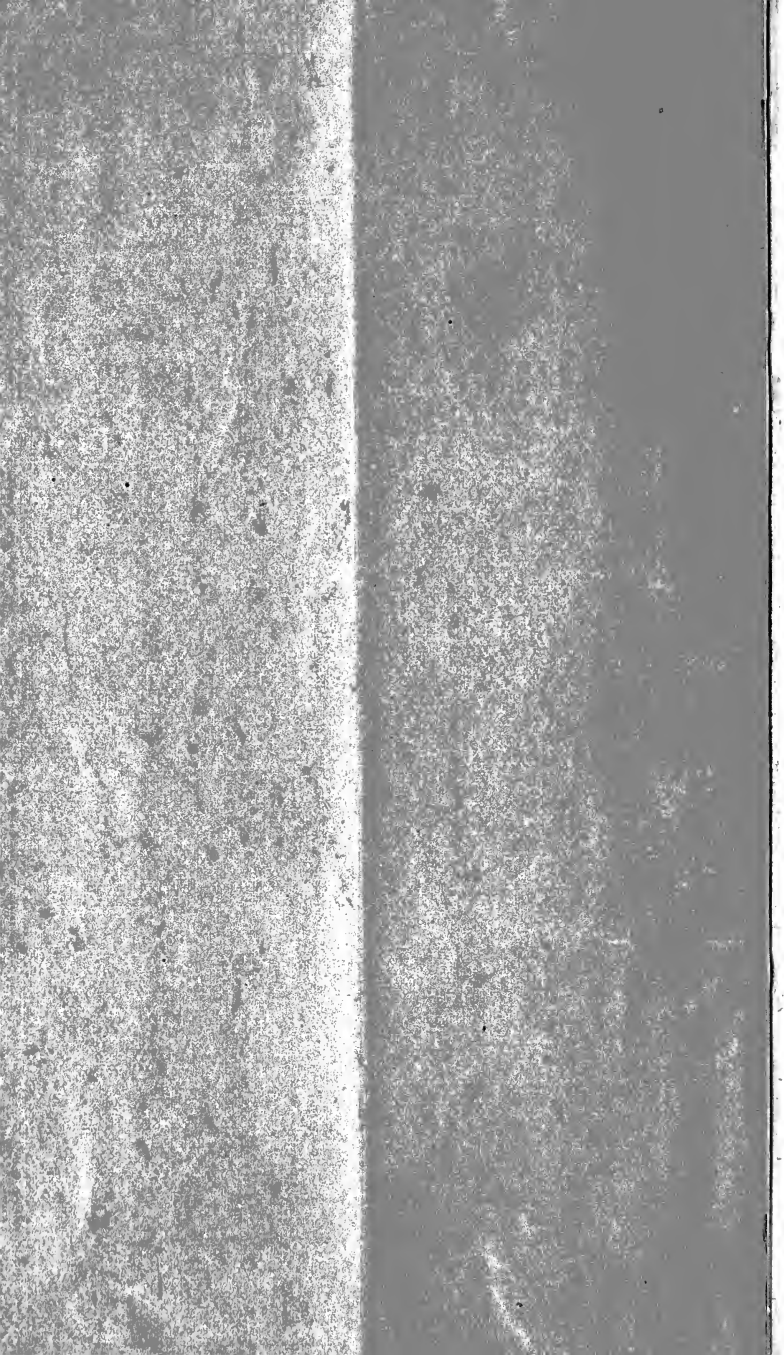
*PREPARED FOR THE OCCASION OF THE*

## CENTENNIAL CELEBRATION,

JULY 4, 1876.

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TOPEKA, KANSAS:  
COMMONWEALTH STEAM BOOK AND JOB PRINTING HOUSE.  
1876.



Giles, Frye Williams  
HISTORICAL SKETCH

OF

# Shawnee County,

## **ERRATA.**

- On page 7 for Thayer read Yeager.
- On page 8 for enacted read erected.
- On page 11 for C. Hooft read t' Hooft.
- On page 19 for solitudes read solicitude.
- On page 29 for morning read evening.
- On page 32 for there read then.
- On page 34 for Wakarusa read Wabaunsee.
- On page 34 for Marvinstown read Mairstown.
- On page 44 for now read never.
- On page 46 for regulating read inaugurating.
- On page 51 for enacted read erected.
- On page 55 for trust read tread; and omit "increase of the" before population.
- On page 56 for rightly read inaply.
- On page 60 for 7th read 17th.
- On page 64 for southwest read southeast.
- On page 66 for .0013 read .013.

)N

JULY 4, 1876.

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TOPEKA, KANSAS:

COMMONWEALTH STEAM BOOK AND JOB PRINTING HOUSE.

1876.

M. T.

L. J.

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Giles, Ezra Williams  
HISTORICAL SKETCH

OF

Shawnee County,  
KANSAS.

PREPARED FOR THE OCCASION OF THE

CENTENNIAL CELEBRATION

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1876.

N. T.

L. J.

third electoral district was at the house of Thomas N. Stinson, at Tecumseh. Judges of election were named by the Governor to be John Horner, S. D. Stateler and Anthony Ward. At that election there were polled 47 votes, of which 40 were for J. W. Whitfield and seven for R. P. Flenneken, as delegate in Congress.

On the 25th of February the Territory was divided into three judicial districts, of which the second was bounded as follows: Commencing at the mouth of the Kansas river; thence up the same along the southern shore thereof to the western line of the Pottawatomie Reservation; thence along the western and southern lines of said reservation to the head waters of the Wakarusa, or the nearest point thereto, and thence directly to and down the northern shore of the same to the east side of the house of Charles Matingly; thence due south to the middle of the Santa Fe road; thence westerly along the middle of said road to Rock Creek: thence due south to the north line of the Sac and Fox Reservation; thence along the north and west lines thereof and due south to the Neosho river; thence up the southern shore of said river and of the south branch thereof to the head; thence due south to the line of the Territory and thence by the south and east lines of the Territory to the place of beginning. These boundaries included the first, second, third, fourth, fifth, sixth and seventeenth electoral districts, and U. S. Associate Judge Rush Elmore, was assigned to it, with provisions for holding court at Tecumseh on the second Monday after the third Monday of April and October respectively. For that portion of this third judicial district which was embraced in the second electoral district. John Horner, residing at Tecumseh, was appointed Justice of the Peace on the 5th of December, 1854, and on the 22d of January, 1855, C. K. Holliday was commissioned as



Justice of the Peace and Daniel H. Horne as constable. Mr. Holliday qualified on the 13th of February and Mr. Horne on the 20th.

In the month of January, a census of the Territory was ordered and T. W. Hayes appointed to the work in the third electoral district. He reported, about the last of February, a total of 252 persons in the district, of which 161 were males and 91 females, 101 voters, 112 minors; 215 were natives of the United States, 12 of foreign birth, and six slaves.

On the 8th of March, a proclamation was issued for an election of a legislative council and house, to be held on the 30th of the ensuing March. The place of holding the election for the third district, as in the previous autumn, was at Stinson's, in the town of Tecumseh. On that occasion was the first assembling together of Free State and pro-slavery men in this district, for the exercise of political rights; the former having settled in the district during the last previous three months. They resided mostly at Topeka, while the pro-slavery settlements were at and in the vicinity of Tecumseh and along the Wakarusa river. The voters residing about Topeka attended at the polls, but were opposed by a larger number of pro-slavery men, many of whom were armed, and boldly threatened violence to the Free State men if they persisted in attempts to deposit their ballots. The total vote reported to have been cast on that occasion was 372. Of this number, D. S. Croysdale, pro-slavery candidate, was reported to have received, for representative, 366 votes, and C. K. Holliday, the Free State candidate, four votes. This reported vote, upon the ratio of voters to population, as found one month before by the pro-slavery enumeration, would imply a population of 930 persons in the district—nearly a three-fold increase in thirty days. It was apparent to the most superficial

observer, that a large number of non-residents had voted, or that great fraud had been perpetrated in the returns. This state of affairs was so apparent to Gov. Reeder that he refused to recognize the election as lawful and valid, but ordered a new election to be held on the 22d of May. At that election, 149 votes were cast, of which C. K. Holliday received 148—the Free State voters having generally attended and the pro-slavery men as generally absenting themselves.

The Legislature was called, to convene at the town of Pawnee, one and a half miles east of Fort Riley, on the first Monday in July. A certificate of election was issued to C. K. Holliday, and he attended and demanded his seat, but it was refused to him and awarded to Croysdale, the candidate of the pro-slavery party at the March election.

The Legislature remained but a few days at Pawnee, and then adjourned to the Shawnee Manual Labor School, near what is now Shawneetown, in Johnson County. At the session there, the county of Shawnee was established, with boundaries as follows: Beginning at the southeast corner of Douglas County; thence west twenty-four miles; thence north to the main channel of the Kaw or Kansas river; thence down said channel to the southwest corner of Douglas County; thence south to the place of beginning. It will be noticed that the boundaries as thus given describe a right angle triangle form, wholly embraced within the territory of Douglas County, and that virtually Shawnee County was given no territorial space whatever. Such ambiguities and impossibilities occur in the boundaries as given of Douglas, Franklin, Dorn and perhaps other counties.

Assuming for Shawnee County such place as it was doubtless intended to assign to her, the position would nearly conform to the limits of the third electoral district

as designated by Gov. Reeder—altogether south of the Kansas river and embracing somewhat of territory that was then called Weller, but now Osage County. To the north was Calhoun—now Jackson County—and to the west Richardson—now Wabaunsee County.

A provision was made at this same session of the Legislature, that after the lands of the Territory were surveyed and subdivided by the Government of the United States, that township, section, or other legal dividing lines that should come the nearest to the boundaries of the counties as described in the statute, should be considered the lines defined.

The name applied to this county, we are confident its people would not be willing to exchange for that of any other county in the State. It probably would have been given to the locality at the time occupied by the Shawnee tribe of Indians, but for a desire to give to that locality the name of Mr. Johnson, who had long been honorably connected with the Manual Labor School, when the Legislature was in session.

For civil and military purposes, as the law had it, the counties of Weller (now Osage) and Richardson (now Wabaunsee) were attached to Shawnee.

The town of Tecumseh was designated to be the permanent seat of justice for the county of Shawnee, and the time of holding sessions of the District Court was fixed to be the fourth Monday in December.

By act of the first Territorial Legislature, Probate Courts were established in each county, and probate judges elected by joint ballot of the two houses. William O. Thayer was elected to that office for Shawnee County, and was duly commissioned by the Governor.

The Probate Courts, as then established, were clothed with extraordinary powers, under which they had con-

current jurisdiction with the District Court in most civil cases likely to arise, and were required to hold regular terms for hearing cases, quarterly.

There was also established for each county a tribunal for transacting county business, consisting of two commissioners and the probate judge of the county, who should be chairman of the board. These commissioners were also elected by joint ballot of the Legislative Assembly, and for Shawnee County consisted of Edward Hoagland and William Yocum. George W. Berry was in the same manner elected sheriff, but declined to qualify, and and on the 24th of September John Horner was appointed to that office by the board of commissioners.

The county was fully organized in the fore part of September, 1855. The first meeting of the county commissioners of which there is any record was held on the 17th day of September, though it appears from the tenor of the record that there had been at least one informal meeting prior to that date.

The statutes of 1855 required that there should be enacted at the county seat of each county, at the earliest practicable period after the organization of the county and the location of the county seat, a good and sufficient court house and jail, and such other public buildings as the exigencies might demand; and the tribunal transacting county business was clothed with full power to do all and singular what should be necessary to accomplish the erection of such buildings. The first business that came before the commissioners was with reference to erecting a court house.

The Tecumseh Town Association had been incorporated in August. On the 17th of September, the commissioners entered into contract with the said town association to erect a court house—the town association donating to the county a site for the same, and other town lots

in Tecumseh. The town association soon entered into contract with parties living at Westport, Mo., to perform the work of building, and early in the spring of 1856 they entered upon the work, and on the 17th of November, following, the building was so far advanced as to admit of occupancy for holding meetings of the county board. It was about 40 by 50 feet on the ground—two stories, with a lofty portico on the north. A broad corridor extended through the building, from north to south. There were rooms on the right and left for public offices, and in the southwest corner one for offenders against the “bogus statutes.” In the southeast corner a flight of stairs led up to the court room, which embraced all the second story. The walls of the building, columns of the portico, and partitions and floors of the first story, were of brick; and these, with the roof and glazing, comprised what there was of the building. The parties contracting to do the brick and stone work were to be paid for the brick work twelve dollars per thousand, brick measurement, when completed; and for stone work, prices current at Westport. The commissioners contracted to pay for the same in manner following: “One-fifth to be assessed and taxed, levied and collected under the first term prescribed by law—viz: commencing in February next (1856.) Two-fifths in like manner in 1857, and the remaining two-fifths in like manner in 1858, with ten per cent. interest on the whole sum remaining unpaid, commencing from the completion of said work, when bonds to be issued, in relative proportions, payable as above specified.” A contract of similar nature was also entered into with Luther M. Carter, for doing the necessary wood work.

By the Territorial statutes, there was to be a tax collected annually for Territorial purposes, of 50 cents upon each free male person 21 years old and not more than 55—and a tax of one-sixth of one per cent. on the assessed

value of all lands and personal property, including slaves; and the tribunals transacting county business were empowered to levy and collect an annual tax upon the same subjects, for county purposes, not exceeding one hundred per cent. above rates for Territorial purposes. The prospective resources of the county were thus ample to make payment, as agreed, for the court house.

The Legislature provided for the election of a delegate to Congress on the first Monday in October.

At the September term of the board of commissioners of Shawnee County, the counties of Shawnee, Weller and Richardson were divided into two voting precincts, as follows—viz: All that portion of Shawnee County south of the Wakarusa river and Weller and south half of Richardson County, to vote at “110,” and all that part of Shawnee County north of the Wakarusa river and the north half of Richardson County to vote at Tecumseh. L. B. Stateler, A. A. Ward and Thornton Stralber were appointed judges of election at Tecumseh precinct, and Mobillan McGee, Fry McGee, and George W. Berry, judges at “110” precinct. At that election, there were polled at Tecumseh 52 votes, and at “110,” 23 votes—all of which were for J. W. Whitfield, the pro-slavery candidate. The Free State party took no part in this election, and for the next two years maintained a position of defiance towards the authorities of the county and Territory alike—in no way recognising nor participating in them.

The county commissioners, under these circumstances, had great difficulty in getting the machinery of taxation into effective working. They had power to appoint all needed officers, and to make all needed orders, but all this was to little effect against the outraged and unyielding Free State people, who were numerically in the ascendency. The most essential officer in the work of assessing and collection of taxes was the tax assessor.

The county board appointed John Horner tax assessor on the 15th of October, 1855, but proving an unsatisfactory officer, it removed him on the third Monday of the succeeding month. They then appointed Benj. J. Newsom, but he resigned after holding the office for two months. They then appointed Gerard C. Hooft, who duly made oath, like his predecessors, that he would faithfully discharge the duties of tax assessor for the county of Shawnee, with Weller and Richardson attached, for the year 1856, but on the 21st of April of that year, he too resigned. Four days after the resignation of C. Hooft, Anderson Imes was appointed tax assessor, but failing to qualify, on the 30th of May John C. Sims received the appointment, and after long hesitation qualified to the office on the 21st of July, 1856. Mr. Sims was succeeded by Wm. P. Fain, December 16th, but his appointment was revoked on the 23d of February, 1857, because he had "failed to comply with the law." Fain was succeeded by Edward L. Yates, but whether he accepted the office does not appear, nor is it material, for the affairs of the county had become so confused that no valid business could have been done by him in assessing the property of Shawnee County.

An attempt was at one time made in 1856 to assess the property of the county for purposes of taxation, but it did not extend to the assessment of the property of Free State men, and was, so far as appears of public record, ineffectual as to producing any public revenue at all. The commissioners had anticipated considerable revenue for the treasury from the taxation of town lots and improvements, as several towns had been founded in the county in 1855 and 1856. But preparatory to assessment of this property, it was necessary that there should be a public record of the plats of the towns. The parties interested in the town enterprises were slow to comply with the law, so on the 21st of April, 1856, the

commissioners ordered their clerk to notify the following town companies or corporations to file, according to law, maps and plats of their respective towns, viz: Tecumseh, Topeka, Big Springs, Washington, 110, Brownsville, Paris, Council City and Glendale.

There was difficulty in getting an efficient sheriff to serve during the dark period of 1855, 1856 and 1857. George W. Berry, John Horner, Benj. D. Castleman and James B. Whitaker holding in rapid succession that important office. In fact, a large part of the business during 1856 and the first half of 1857, by the tribunal transacting county business, consisted of appointing, qualifying and receiving resignations of assessors, sheriffs, magistrates, constables and other county officers.

Under these circumstances, in connection with the civil commotions generally prevailing, it was impossible for the county to comply with its agreement with the contractors for building the court house; but it did the best it could and issued to them the bonds of the county in full amount of all the work done.

At its meeting on the 16th of December, 1856, the board of commissioners received the following communication, relative to a public seal for the use of the county:

“TECUMSEH, Dec. 1, 1856.

*Hon. Wm. O. Yager, Probate Judge, Shawnee County, K. T.,*

Permit me to present to the Probate Court and County Court of Shawnee County the accompanying press and seal for the use of the county. The seal reads, ‘Shawnee County Court,’ ‘Tecumseh, Kansas,’ and above the word Tecumseh is the figure of an Indian chief, in hostile attitude, about to strike with his tomahawk, his rifle trailing on the ground; intended to represent Tecumseh, the distinguished Shawnee chief, at the battle of the Thames. Tecumseh being the name of our county seat, and named in remembrance of the chief, is the most conspicuous word in the design. Respectfully, EDW'D HOAGLAND.”



The letter was read, and on motion it was ordered by the board that the seal be received and adopted as the official public seal of the Probate and Commissioners' Courts, and that the thanks of the board be tendered to Mr. Hoagland.

On the 19th of February, 1857, the Territorial Legislature made provision for the holding of a convention at Lecompton in the succeeding September, for the purpose of framing a State Constitution. It at the same time made provision for taking a census of the legal voters of the Territory—the work to be done in the several counties by the sheriffs thereof, and upon these enumerations as returned to the Governor, he was to apportion the sixty delegates of which the convention should be composed. The election was to be held on the third Monday in June.

The number of legal voters as taken and returned for Shawnee, including the attached counties—Davis (previously Weller) and Richardson—was 283. Upon this return, the acting Governor (Stanton) apportioned but two delegates for the 11th election district, comprising the three counties named. The county commissioners, perceiving this to be an unjust apportionment, resolved that no complete census of the inhabitants and voters in this district had been taken, as required by law; that the district was entitled to five delegates instead of two, and recommended to the voters that five candidates be voted for, and that the five having the highest number of votes should be returned as duly elected delegates from the district to the constitutional convention. It does not appear that the voters regarded this recommendation. In fact the election was hardly regarded by the people. The Free State party of course took no part in it, and the pro-slavery party but little, as it appears from the result that no candidate received more than 58 votes—David

Lykins, Wm. Heiskell and J. T. Bradford, having each received that number, and Henry L. Lyons 17.

Two months after this election, an election was held for officers under the Topeka Constitution, and 231 votes were polled.

By act of the Legislature Feb. 11, 1857, Shawnee and attached counties was constituted the second judicial district.

On the 20th of the same month the boundaries of Shawnee County were fixed as follows: Beginning at the southwest corner of Douglas county; thence west with the section lines to the corner of sections 14, 15, 22 and 23, town 15 south, range 13 east; thence north with the section line to the middle of the main channel of the Kansas river; thence down said river by the middle of the main channel thereof to the northwest corner of Douglas County; thence south with the west boundary of said Douglas County to the place of beginning, and simultaneously with the passage of this act the county was constituted the eleventh representative district.

The first subdivision of the county into municipal townships was made by order of the County Board on the 24th of September, 1855, and by which order, all the territory laying north of the Wakarusa river was formed into Tecumseh township, and the territory south of that stream was organized under the name of Yocum Township. The next change of townships was made on the 23d of February, 1857, in anticipation of the election to be held in June for delegates to the Lecompton Constitutional Convention. The change at that time consisted of organizing Topeka Township, which was made to consist of all that portion of Tecumseh Township, as theretofore existing, and lying west of section line three miles west of the town of Tecumseh.

In anticipation of the general election to be held in October of that year, however, a general reorganization of municipal townships was made on the 21st of September. At that time the county was divided into five municipal townships under the respective names of Tecumseh, Topeka, Brownsville, Burlingame and Wakarusa. Each township was declared to be an election precinct, and places for voting were designated and judges of election appointed by the county board, as follows:

In Tecumseh Township, at the Court House. Judges of election: Eli Hopkins, James W. Lacy, Bennett A. Murphy.

Topeka Township, at the Garvey House. Judges: Samuel T. Walkley, M. C. Dickey, Jeremiah Murphy.

Wakarusa Township, at the trading house of Hudson and Lincoln. Judges: Aaron Cuberly, Milton Tharp, Wade W. Babcock.

Brownsville Township, at Fox's Hotel. Judges: William Johnson, David Hammond, Daniel Turner.

Burlingame Township, at the house opposite the Burlingame House. Judges: Thomas Russell, William Lord, C. D. Marple.

This arrangement of voting precincts and election judges was everything that the Free State party could ask, as to convenience and character of men. Various circumstances had operated in Shawnee County to convince the pro-slavery men that it was useless longer to strive against the predominance of Free State sentiments, and, making a virtue of necessity, they had wisely determined to invite a fair and honorable trial of strength at the polls, and if results should so determine, to gracefully yield the county government to the Free State party.

## OCTOBER ELECTION, 1857.

Governor Walker was full of zeal to unravel the knotty entanglement of Kansas politics. He visited Topeka, made addresses upon the political situation, urged the Free State men to participate in the forthcoming election, mingled in social circles and made himself generally popular. The friends of free Kansas in Congress and throughout the free States were also advising an active effort in that election, and, in common with their friends in other counties, the Free State men of Shawnee determined to make another effort in that direction, to secure their political rights. This conclusion was reached but two or three weeks before the election came on, and great vigilance was necessary to organize the party to efficient work. A convention was called to meet at Brownsville, to place in nomination county officers and representatives to the Legislature. Few or none but Free State men attended, but they were present in good number, especially so from Topeka, Burlingame, the vicinity of Brownsville and on the line of the Santa Fe road between Brownsville and Big Springs. It was the first county convention of the Free State party. Perfect harmony of sentiment and general good feeling prevailed, though the men were to a large extent strangers to each other. There was indeed a general reluctance to take part in the election on account of the implied recognition of the bogus Territorial government that the act would carry with it; but there seemed no other way out of the difficulties, and, having full knowledge that if illegal votes could be kept out, victory was sure to follow, reluctance finally yielded to enthusiasm, and the work of organizing the first political campaign in Shawnee County commenced.

Phillip C. Schuyler, of Burlingame, was chosen chairman, and F. W. Giles, of Topeka, secretary. The nominations were as follows: For member of the Territorial

Council, Cyrus K. Holliday; for Representative in the House, James A. Delong; for Probate Judge, Phillip C. Schuyler; for Sheriff, Jehiel Tyler; for Recorder of Deeds, F. W. Giles; for County Commissioners, Hiram Shields, Harvey W. Curtis; for County Surveyor, Joel Huntoon; and for Justices of the Peace, Joseph C. Miller, J. N. Frazier and P. T. Hupp.

As an illustration of the inattention given to the Territorial laws by the Free State people, it may be mentioned that neither the office of sheriff, recorder of deeds, county surveyor, or justices of the peace, were elective under the statutes of the time, but were appointed by the tribunal transacting county business.

There had been a pro-slavery convention held at Tecumseh, and a full list of nominations made, but they were supported with little heart, as the result of the election fully demonstrated. The returns of that election show the following results; Total votes cast, 710, of which 649 were for the Free State ticket, and 61 for the Pro-slavery ticket—or Democratic ticket, as it has sometimes been styled—but we deem the former the more truthful appellation.

### CANVASSING THE VOTE.

The first meeting of the board of county commissioners after the election, was held on the 20th of November. Present, Hon. Wm. O. Yeager, probate judge; Edward Hoagland, county commissioner; John Martin, clerk. The record of that meeting commences as follows: "The court now having under consideration the subject of the October election returns, on motion, the following orders were made, to wit: First, Hon. E. Hoagland, county commissioner, presented his account as county commissioner for the sum of sixty dollars. The account is examined and allowed, and on motion the clerk is

ordered to draw treasury draft, No. 15, in favor of Edward Hoagland for \$60.00.

“John Martin, Clerk of the Commissioner’s Court, presented his account as clerk of the board and county recorder from January 19th, 1857, to October 5th, 1857, inclusive. Account examined and allowed, and on motion order No. 16 on County Treasurer in favor of John Martin for the sum of eighty-five dollars and ninety-five cents, (\$85.95) account as recorded up to same date.

“On motion the board adjourned.

“Attest:

Signed:

“JNO. MARTIN,

WM. O. YEAGER,

“Clerk, &c.

Commissioner.”

The foregoing proceedings would seem to suggest that the board had the subject of the election returns before it for some purpose, but finding it a disagreeable subject of contemplation abruptly turned its attention to the settlement of their final accounts—for services rendered. The law really required no action of the board further than to place the returned poll books on file for reference.

The first officer of Shawnee County who held his position by virtue of a popular election was Jehiel Tyler, who was commissioned by Fred. P. Stanton, Secretary and acting Governor, under the date of the 26th of November, 1857.

Mr. Tyler qualified and entered upon his duties as Sheriff on the 30th of the same month. The regular term of the Commissioners’ Court occurred on the third Monday of December.

Of the newly elected Commissioners only H. W. Curtis was present. Adjournment was taken to the 31st day of that month, on which occasion were present

Hiram Shields and H. W. Curtis, but no public business was transacted.

At the regular meeting of the Commissioners' Court, on the 18th of January, 1858, were present Messrs. Shields and Curtis.

The people of Tecumseh were a good deal alarmed lest the new power in county affairs should not recognize the proceedings of the old board, with reference to building a court house, and on the occasion of this first business meeting of the new board they sought to involve it and the Free State party of the county in such full recognition of the proceedings in that behalf, as to bar them from any repudiation of county obligations on account of the court house in the future. In acquiescence of the urgent representations of citizens, and of the "court house ring," the commissioners—unwary of craft or indifferent of precedent—ordered Sheriff Tyler to make some slight alterations about the court house; designated its rooms to the several county offices, and ordered the Tecumseh Town Association, contractors, to proceed with their work in completion of the court house. The solitudes of the Tecumsehans was assuaged by this action in a marked degree.

At the same meeting the board proceeded to do a gracious act towards the unfortunates whom the Free State men had in their ignorance, or rather their indifference, of Territorial law, elected to offices which the laws knew not of. Thus Mr. Joel Huntoon, who had been voted for for the office of county surveyor, was appointed to works of civil engineering, especially the preparation of plans and estimations for a bridge over Deer creek, near Mr. Matthews' house, and Fry W. Giles, who rejoiced over his election to hold the office of recorder of deeds, but who thereafter learned, to his great sorrow, that the bogus Legislature had not exercised its

wisdom in the creation of such an office, was appointed to the more honorable position of "clerk of the board of county commissioners for Shawnee County, and *ex officio* clerk of the Probate Court, and recorder for said Shawnee County;" and it was further "ordered that the clerk of the board grant unto Mr. Giles a certificate of his appointment, and notify him to appear at the next term of the court to be qualified, and also to produce a bond, with approved sureties, in the sum of two thousand dollars."

The board also ordered that Phillip C. Schuyler, who had been elected to the responsible office of probate judge, be notified by the clerk to appear at the adjourned term of the court, to be held on Tuesday, the 23d day of February, or to signify by letter his intentions as to being qualified as probate judge.

Mr. Schuyler thereafter signified to the board that he must decline to qualify and enter upon the duties assigned him. Judge Yeager having removed from the county, and there being a vacancy in the office, the commissioners' court, on the 27th of February, took action as follows, to wit:

"WHEREAS, Phillip C. Schuyler, Esq., judge of probate elect for Shawnee County, has declined to accept said office, and duly signified the same to the Governor, and

"WHEREAS, Hon. William O. Yeager, late judge of probate of said county, has removed from Kansas Territory, whereby a vacancy has occurred in said office, and

"WHEREAS, Hon. J. W. Denver, secretary and acting Governor of the Territory has appointed and commissioned Edward Hoagland, Esq., as probate judge of said county, and

"WHEREAS, Doubts exist as to the authority vested in the Governor, as well as to the validity of chapter 44



of the laws of 1855, in relation to probate courts and the appointment of probate judges—

“THEREFORE, In order to remove these doubts and give validity to said appointment, if necessary, as well as to provide for contingencies that may arise, the board of county commissioners, constituting the tribunal transacting county business, to wit: Hiram Shields and Harvey W. Curtis, by virtue of the authority contained in section 3 of chapter 44 of laws of 1855, do hereby elect and appoint the said Edward Hoagland as probate judge for said county, to fill the existing vacancy caused by the declination and removal aforesaid.”

Judge Hoagland qualified to the office on the 26th of February, 1858, and thereafter the “tribunal transacting county business,” consisted of Edward Hoagland, probate judge, as chairman, and commissioners Shields and Curtis.

Joseph C. Miller and S. N. Frazier declined to serve as justices of the peace—positions for which they had been designated by the October election; otherwise they would undoubtedly have been appointed to that office by the county board.

C. K. Holliday and James A. Delong were occupying their seats, respectively, as counsellor and representative in the Legislature—in session at Lawrence—and M. J. Parrott was in Washington as delegate to Congress.

Thus a complete political revolution had been accomplished in the Territory, but nowhere more complete than in Shawnee County—the real sentiment of which had, from the summer of 1855, been most decidedly for “Free Kansas,” and always thereafter, unto the present day, most staunch in the faith of the Republican party and all that the name implies.

## LOCALITIES OF FIRST SETTLEMENTS.

In Kansas, as everywhere in the march of humanity around the globe, the lines of communication are the first influence to determine points of settlement. Over the vast region of America lying between the Missouri river and the Rocky Mountains, expressively designated as "the plains," the ways of travel to the trader, the army and the emigrant, were few and far between; but long before the settlement of Shawnee County, they were well defined and their nomenclature as household words to the frontiersmen.

From the time when the advanced lines of commerce had threaded their way up the Mississippi and the Missouri rivers to the mouth of the Kansas, there to exchange commodities with the distant regions of New Mexico, vast caravans were traversing the divides of the district now known as Shawnee County, and wearing so deep these channels of communication that twenty years of plowing and cultivating has not been sufficient to efface them.

One of the chief routes for this travel between the Missouri river and Santa Fe, New Mexico, by the way of Westport, followed on the south side of the Kansas river. After passing the Wakarusa, some six miles east of Lawrence, it took the divide between that stream and the Kansas and followed it, making almost a direct course over the high plateau from Big Springs, and recrossing the Wakarusa to the south, near Auburn.

In the summer and autumn of 1854, ten to fifteen families from Missouri, following that great trail, settled at different points upon the rich, well timbered and generally inviting bottoms of that stream. Of those families, we have the names: Matney, Yocum, Simerwell Hapþ, Carriger, Brown, Johnson, Berry, Babcock and Snyder.

After the establishment of Forts Leavenworth and Riley, a military road was opened connecting them and touching the Kansas river near Topeka, and from that point, crossing the river and leading out in a southwest direction to intersection with the Santa Fe road, near Webster mound, some two miles from Topeka.

### BURNETT'S MOUND.

A moment's digression to speak of the name of this mound—the highest point of land in Eastern Kansas.

On the morning of December 5th, 1854, when the founders of Topeka took their first stroll out upon the high lands between the Kaw and the Shunganunga, now designated as Tenth Avenue, of the many points of interest in the landscape to attract and interest them, the conical peak to the southwest was one of the most prominent. Feeling that they were where man had not been before, and that one of his first duties was to give names to things, an enthusiastic admirer of Daniel Webster proposed, as a name for that peak on the plains, Webster Mound. The suggestion was agreeable to the party, and when spoken of by Topekans that name has been generally assigned to it since.

It was afterwards learned that the locality had been known to travelers as Burnett's Mound. Gov. Abraham Burnett, of the Pottowatomie tribe, having since the settlement of his tribe in this vicinity resided near its base. To Gov. Burnett, the last of a long and royal line of chiefs that bore rule over the Pottowatomies, the name in all fairness belongs. Topekans, till within a few years, were familiar with his huge proportions and placid countenance, and many a family album holds his picture. The man who, in honor of his political idol proposed Webster Mound, is willing to withdraw it if custom so ordains, but if such be the sentiment, then in decent regard for the memory of the great chief who

had a prior right, let it be called Burnett's Mound, now and evermore.

For the accommodation of emigrant trains to Oregon and California, which desired to cross the Kansas river at the crossing of the military route, a by-way had been opened from a point on the Santa Fe road at Big Springs, and thence past Tecumseh Creek, Deer Creek and the Shunganunga, at a point about in a line with Fourth Street, Topeka, where a bridge had been constructed for its accommodation, and intersected with the military road at Paapan's Ferry immediately west of Topeka.

Upon this intersecting branch of the great roads named, traversing one of the most valuable and interesting portions of the county, settlements were made in the summer and fall of 1854 by families bearing the names Stinson, Waysman, Grasmuck, Hand, Hopkins, Byler, Hunter, Jordan, Stephenson, Naylor, Morris, Herron, Wottman, Hook, Copeland, Nickum, Hayes and probably a few others.

At the crossing of Deer Creek lived a man and family by the name of Matthews. On the bottoms just east of Topeka were French families of the name of Bernier and Billiard; just west of Topeka A. A. Ward and family and in the neighborhood of Burnett's Mound Shattes Lyford and perhaps one or two others.

The total number of families residing in the territory embraced in Shawnee County on the 29th of November, inclusive of a few at Burlingame and east of there, may have been about forty. The vote reported as polled on that day for delegate to Congress, was forty-seven.

#### TECUMSEH.

Very few towns have been founded in Kansas under more favorable circumstances than was Tecumseh. For

many years prior to the passage of the Kansas and Nebraska Act, Thomas N. Stinson, as an Indian trader, had been familiar with the valley of the Kansas river and adjacent country. In the exercise of a wise discretion he had selected one of the most picturesque localities of all the places of beauty in that valley, as his home, and in advance of all others had acquired title in land there—eight hundred acres as fertile and beautiful as the heart of man could desire.

Perceiving his opportunity, Mr. Stinson in September, 1854, procured an engineer and had a portion of his lands laid out for town purposes. Governor Reeder made this house his stopping place when on travels up and down the valley in the fall of 1854, and in his proclamation for the first Territorial election, held Nov. 29th, named Stinson's as the place for voting in the 3d electoral district.

It was said that Gov. Reeder, struck by the beauty of the locality and its eligibility as a site for the capital of the future State, suggested to Mr. Stinson the scheme of making it such. Be this as it may, it is unquestionably true that a tacit understanding was entered into between themselves and others, in the fall and early winter of 1854, to that end, and Gov. Reeder is supposed to have been largely interested in forwarding the arrangement. Not only so, but, as well authenticated rumor had it, U. S. Judges and other officials representing the influence of the Territorial government were associated in the scheme, and it was prearranged that Gov. Reeder would call the first Legislature to meet there.

During the winter, however, a violent feeling arose between the Governor and the people of Missouri, and this so estranged him from them and all their influences and associates, that he determined to hazzard the capital scheme, and call the Legislature at a place as far from

that influence as possible. This action somewhat discouraged his associates, but the enterprise was not abandoned.

When the Legislature was in session at Shawnee Manual Labor School, the subject of making Tecumseh the territorial capital was brought prominently forward. The Tecumseh Town Association, represented by Thos. N. Stinson, James Hunter, Abraham Coningo, Albert Elmore, A. J. Isaacs, James M. Hunter and their associates was incorporated, and, it is probable that corner lots were freely offered for votes.

A rival scheme, however, was broached, that of locating the capital at a place afterwards known as Lecompton. A sharp rivalry ensued among the interested legislators, but the city in the hollow won, and a potent argument to produce that result was said to have been the expediency of reducing the abolition towns of Lawrence and Topeka to ashes, by placing the capital as nearly as might be midway between them. Had Tecumseh prevailed, and an honest expenditure of the money appropriated by Congress for building a capital been made, it is not improbable that the State capital would have remained there. Losing the greater prize, she was made the county seat, and given all the power to retain that honor that could have done her any good.

During the winter of 1854-55 a number of families settled at Stinson's and a little grocery and a drug store were started. In the spring of 1855 ten or fifteen men of enterprise and influence, actuated to a considerable degree by the anticipation of the locality becoming the capital, settled there, and during the ensuing summer and autumn the semblance of a "town" was quite apparent.

A ferry was established on the river and public improvements were in contemplation. During the year 1856 Tecumseh assumed its most violent character as a pro-

slavery town, and the probabilities of a clash at arms between her and Topeka became so great that she called upon Gov. Geary for protection. Notwithstanding the general gloom pervading Kansas on account of the political agitations, Tecumseh got her court house built and grew apace, as a commercial and political point. She was quick to perceive the importance of a bridge over the Kansas river and secured an exclusive charter of bridge privileges at that point and for five miles west of it, at the second session of the Territorial Legislature, doubtless expecting to prevent Topeka from securing a like privilege.

The bridge company contracted for an iron superstructure to be built at Cincinnati and entered upon the work of preparing abutments for its reception. The undertaking involved a much greater expenditure than the little community was able to make, and during 1857 the political prospects were evidently against her; so that the work could not be pressed with vigor.

Topeka, too, was making efforts for a bridge and actually completed one of cheap construction in the Spring of 1858. This had the effect of quite demoralizing the Tecumseh enterprise. The work was done at Cincinnati and drafts were made upon the company which it could not pay. Discouragement and inaction followed. Later in the season the bridge at Topeka was carried away with the flood. This revived the hopes of Tecumseh and work was resumed there, an abutment having been nearly completed on the south bank of the river made of the well adapted stone of that vicinity and which was a fine specimen of bridge architecture.

In 1858 Tecumseh attained her best proportions. She then stood fully the rival of Topeka in attractions for trade, having mills, and mercantile houses of cost and elegance, well supplied with goods and enjoying trade

even from her only rival. A newspaper was published there and whatever advantages could come from being the county seat were hers. But with the passing away of 1858, passed away too, forever, those advantages. In January 1859 the public archives were removed from her, and the pretty village,—two years before so full of hope, now mourned and decimated to decay.

Men of southern origin and politics, discouraged by the declining prospect of Kansas becoming a slave State, as well as of Tecumseh becoming the capital or a shire town even, removed to more promising localities in the Territory or returned to their native States.

The decay once began rapidly spread to entire desolation.

Dwellings once surrounded by well kept grounds and floral charms—the pride and satisfaction of their possessors—were at common, and swine within the dwelling walls.

Storehouses—once filled with costly merchandise and noisy from words of traffic all day—stood in lonely silence or rattled their sash and slammed their doors in discordant tones with winds that whistled through; village cows shaded themselves and clanged their bells in court house rooms and corridors, aforetime familiar with judicial mandates, and the rattle of the crier's bell; while streets were lost in the wilderness of native grass.

Then ensued the scene of buildings falling from neglect, or moved for sheds and barns to surrounding farms, the closing of unused streets and parks and the reversion of lots and blocks to fields of agriculture. The court house came to vendue sale, and for the meagre sum of five hundred dollars; its dissevered parts were carried away to reappear in modest farm cottages, and now—where scenes of commerce and social gaiety filled the day—there waves rich fields of ripening grain that



reconvert the abandoned town to its primitive picturesqueness.

## TOPEKA.

On the 29th day of November, 1854, M. C. Dickey, Enoch Chase, J. B. Chase, and George Davis, arrived, with a pair of oxen and wagon bearing their luggage, upon the present site of the city of Topeka. Being pleased with the ~~locality~~ of the scenery and the apparent productiveness of the soil, they made selection of farm claims, with reference to pre-emption. On the 3d of December, while out in pursuit of his oxen, Mr. Dickey learned that a little party of men from the East had arrived at Lawrence, on the previous day, and were seeking homes in the new Territory. Stimulated by the thought of associating the newly arrived men with himself in a town enterprise, he pursued his walk over a rough way and in storms to Lawrence—a distance of 27 miles—the same day, which was Sunday. On the morning of that day a consultation was held by Mr. Dickey with the newly arrived party and a few men of Lawrence, in reference to the practicability of founding a town, the result of which was that a committee of four persons was chosen to accompany Mr. Dickey to his place on the succeeding day, and, if they should deem the proposition a practicable one, to report to the rest of the party.

Agreeable to appointment, the committee and two men besides accompanied Mr. Dickey to his place, arriving there at the close of the day—the fourth of December. On the next morning, the committee, by a very casual observation, having become convinced of the practicability of the proposed scheme, entered into agreement with associates then upon the ground, to proceed to lay out and pre-empt for town purposes, under the laws of the United States, 320 acres, and by other means secure as much more as might be found desirable.

The names upon the contract appear in order as follows: C. K. Holliday, F. W. Giles, Daniel H. Horne, George Davis, Enoch Chase, J. B. Chase, M. C. Dickey, C. Robinson, L. G. Cleveland. Scarcely any two of these men had ever met together until within the previous week, and so much as the names of the nine men, was known to no one of them. They were from New England and the Middle States, and had come to Kansas, principally actuated by a desire to do what they might to make Kansas a free State. The news of the forming of a town was immediately published across the continent to the East, and it at once became a center for the congregation of immigrants from the eastern and northern States.

In the spring of 1855, the work of building houses, establishing roads and ferries, and all other accessories of civilization was vigorously commenced, and prosecuted during the summer. By the Fourth of July a newspaper was established, and by autumn it was evident that the town enterprise was to prove a reasonable success.

The founders had frequently jested upon the subject of making Topeka the capital of the forthcoming State; but they now began turning their jests into remarks upon the probability of so great success for the novel enterprise. In this they had been greatly strengthened by the Free State movement to frame a State Constitution, the convention for that purpose having been held at Topeka and that locality having been actually named as the capital of the State.

During 1856, the town made encouraging growth, notwithstanding the many discouragements incident to the high political excitement and angry strife everywhere in the Territory prevailing.

By the spring of 1857, the Free State people, as well throughout the country as in Kansas, having become

greatly encouraged in the hope of saving Kansas from slavery, a large immigration commenced to flow into her borders, and Topeka naturally attracted a goodly share of its attention. As early as April and May of that year, an active inquiry sprang up for investment in Topeka town lots. The supply was ample and the original holders were happy in so suddenly finding themselves the recipients of tens of thousands of precious coin in exchange for that which had cost them nought but a few years of deprivation usually incident to frontier life.

During that year many buildings were erected and of a superior quality. Large accessions were made to stocks of merchandise, the Episcopal Female Seminary founded and churches organized. It was a new life to Topeka, and during winter of 1857-58 its people rested in comforts and contentments that in Kansas they had known not of. Confidence was greatly increased in a favorable result to the Free State cause; property was enhanced in value in the Free State towns, and the sentiments that these people had come to Kansas to promulgate had demonstrated a power in Shawnee County that assured them of a future quietude and prosperity.

#### AUBURN.

Prior to the settlement of Kansas by white people, the Indians had selected for the purpose of an Indian village, a pretty site at the junction of the three streams which form the Wakarusa river, a little to the southwest of the present town of Auburn. In July, 1854, Mr. John W. Brown, who had for some time been in government employ, came to this locality, and being charmed with its natural attractiveness, secured from the Indians their title to it. He soon after returned to parts of Missouri where he was acquainted and told his friends that he had found the Garden of Eden. A number of families, among whom were those of Messrs. Carriger, Snyder, Reed, Jones, Webb

and Johnston, nothing loth to visit the sacred spot Mr. Brown supposed he had found, returned with him, and indeed, other evidences of their friend's good fortune there the fact that "three rivers went out from there," they found, in many things—enough at least to chain them there, in all satisfaction.

In 1856 Mr. Brown associated with himself Messrs. M. C. Dickey, Loring Farnsworth and Henry Fox for the purpose of establishing a town. They pre-empted 320 acres of land near Mr. Brown's place, laid it out and platted for that purpose and christened it Auburn. It was located immediately upon the line of the great California road, as it was called, whitened every day by long caravans of Government and Santa Fe traders,—the plains resounding with the sharp report of the oxmen's murderous thong, and carcasses of exhausted animals, like milestones marking the way. The travel upon this road and the near proximity of the Pottawatomie nation, made the location a favorable one for trade. The work of building at once began. Dwelling houses, stores, mills, a large and attractive hotel, and buildings for religious and educational purposes appeared of superior quality and in rapid succession, betokening an intelligent and determined purpose on the part of the little community assembled there. The town being comparatively near the centre of the county as then bounded, it was thought with reason that it had favorable prospects of being made the seat of justice; indeed during a year or two Topeka was not a little alarmed at the growing pretensions of their neighbor on the Wakarusa.

During the years 1858 and 1859 the town received a great deal of attention from immigrants, its population and wealth constantly increasing and the town presenting augmented attractiveness. Two daily stage lines brought large mails and strangers thronged the hotel to its utmost capacity.

A good weekly newspaper was maintained, and business and social relations between Brownsville and Topeka, and other principal towns, were frequent and pleasant to all who had occasion to go there. The writer of this sketch found it to his interest to purchase native lumber and merchandise there for a house he was building at Topeka in 1859.

A persistent effort was made for the construction of a railroad from Leavenworth *via* Lawrence and the Wakarusa valley to Auburn, and it was at one time near accomplishment. But Auburn, notwithstanding her persistent and well directed efforts to maintain herself, was doomed to disappointment. Of the causes that contributed to this result may be mentioned a large decrease of trade, incident to the abandonment of farms in districts contiguous to her, on account of the drouth of 1860, and the subsequent removal of large numbers of Pottawatomie Indians who had done their trading there. A more potent cause still was the rivalry of Burlingame on the one side, and of Topeka on the other, on the the county seat question. Between the upper and the nether millstones she was shorn of all chances of securing the boon of the county seat. By a concert of action between her more powerful rivals, at the session of the Legislature in the beginning of 1860, a tract of territory—equal to six government townships—was disconnected from Shawnee on the south, and annexed to Osage county, thus destroying the argument of Auburn in favor of being made the county seat, based upon the idea of greater centrality than Topeka.

Finally, Topeka was promoted to the position of State capital, under the effect of which she soon attained an influence and a commercial importance in the county that it were useless to contend against. Auburn then rapidly sank from her best estate and became as now. If

permitted to lay off the character of historian and assume that of prophet for a minute, we should say, that when Shawnee County and the districts of Wakarusa naturally contiguous to Auburn, for trade, become the densely peopled and wealthy localities that their real worth demands, Auburn will rise again; but, until then, she may console herself by singing the complaints of Goldsmith for his own deserted village.

The government survey of the lands of Shawnee County was completed in the spring of 1857, and the land office opened at Lecompton, for proving occupancy, the succeeding fall. This circumstance, in connection with the general prosperity of Tecumseh, Topeka, Brownsville and Burlingame, induced a desire to found new towns in the county, that was equaled in no other county of the Territory, and seems now to have been almost a mania. Commencing in May, 1857, there has since been laid out and platted towns in Shawnee County, as follows: Georgetown, Lexington, Versailles, Prairie City, Indiana City, Williamsport, Switzler, Marvinstown, Evanstown, Washington, Wilmington, Carthage, Superior, Richland, Kingston, Rossville and Silver Lake—besides additions to the four previously existing towns. Most of these have fortunately been appropriated to growing food for man to live on, rather than as sites for houses for man to live in. Of the exceptions to this general result, Silver Lake and Rossville are the most conspicuous, and promise to become points of considerable importance to the county.

We have now completed, in general outline and with some degree of minuteness, the events occurring in Shawnee County during what we have designated as the first territorial period—from its first settlement in 1854 to the political revolution in the fall of 1857. To those who were in Kansas prior to 1858, the propriety of

dividing history into these distinct periods will be apparent. The whole political power of the Territory was directed to the single purpose of making Kansas a slave State during that first period; the policy pursued after that date is sufficiently apparent in the institutions we see around us—fruits of freedom, not of slavery.

## SECOND TERRITORIAL PERIOD—1857 TO 1861.

Down to the time that the second board of county commissioners entered upon official duties—the close of 1857—no public revenue had been collected in the county; no bridges had been built; no public school system had been put in operation, and no public school houses built, though for three years ample laws to the accomplishment of different results had existed upon the public statute book. We do not speak of this sad state of affairs in censure of previously existing county authority—the fault lay, primarily, farther back than county organizations, and secondly in the Free State party, who were sufficiently powerful in the county to resist the execution of rule notoriously unjust.

One of the first acts of the new board was to provide for the erection of a substantial bridge over Deer creek, where passing had always been attended with great difficulty, and where one U. S. mail coach was upset and the mail lost. At a meeting of the county board held on the 23d of February, 1858, the report of Joel Huntoon, engineer, in regard to the bridge was received and adopted, with plans and specifications for the same. The estimated cost for good stone abutments and superstructure of wood, was nine hundred dollars—afterwards raised to eleven hundred. An order was made directing the engineer to advertise for proposals for building the bridge, and to contract on the part of the county for the whole cost of the same, provided that the mode of payment should be as follows, to wit: The whole sum payable in

county bonds, redeemable proportionately at the rate of 20 per cent. a year, and bearing interest at 10 per cent. The said proportion of 20 per cent. and interest to be receivable in payment of county taxes.

At the same meeting the sheriff represented to the board that a number of persons were under his charge with no provisions made for the expenses of their board; whereupon it was ordered by the board that the sheriff "is hereby authorized to issue certificates of advance payment of any taxes for the county that may be hereafter assessed and collectable, and apply the funds thus obtained by him to defraying the expenses of boarding and guarding such prisoners, and that such certificates shall be received in payment of any county taxes hereafter assessed."

By an act of the first Free State Territorial Legislature, approved Feb. 12, 1858, organizations of municipal townships were provided for, with a board of township commissioners, and the chairmen of the several boards of township commissioners in each county constituted the board of county commissioners.

Under the operation of this law the board of county commissioners for Shawnee County consisted of the following gentlemen: Topeka township, Jeremiah Murphy; Tecumseh township, Eli Hopkins; Wakarusa township, P. T. Hupp; Brownsville township, A. H. Hale; Burlingame township, George Bratton.

## COUNTY FINANCES.

The first meeting of the new board of county commissioners was held on the 4th day of September at the house of Commissioner Eli Hopkins, a few miles east of Tecumseh. At that meeting Jeremiah Murphy was elected chairman of the board, and adjournment was taken till the 13th.



On the 13th the board, having under consideration the financial condition, it was ordered that the assessors of the several municipal townships of the county should proceed, under the law, to assess the property in their respective townships for taxation, and make return of their doings to the board of commissioners by the 1st of December.

A large amount of business crowded upon the board and meetings were held by it at intervals of about two weeks during the fall and winter of 1858-59.

A deep solicitude was felt throughout the county on account of the financial condition, especially as there was urgent necessity for the erection of bridges over the numerous creeks between Burlingame and Topeka and between Topeka and Big Springs. The Free State men were indignant that the bogus Legislature and the councils of the county board should have deprived them of the opportunity of a popular election as to their county seat, and generally entertained a determination that they would have nothing to do with the payment for the court house that had been erected at Tecumseh, till such an election had resulted in favor of that locality.

The popular feeling was not pleasant towards that town on account of the political sentiment prevailing there, and under which it had been fostered into a rival for political and commercial influence with Topeka the seat of Free State influence, by the Territorial authority of 1855.

The subject of the county finances came before the board again on the 13th of October and it was ordered "that the clerk make investigation of the records and papers in his office relating to the indebtedness of the county and manage the same in such concise and convenient manner as should enable the board at its next meeting to consider and take action upon the same without hindrance or delay."

In response to a general interest in county affairs and especially a desire to know definitely what the board was doing upon the important matter of the public finances it was ordered by the board "that the clerk prepare for publication and publish in the Kansas Tribune, a newspaper published at Topeka, a synopsis of the proceedings of the board at its past and present meetings, and also to publish notice of the time and place of the next meeting of the board."

At a meeting held on the 30th of November the clerk made report to the board agreeably to its previous order in regard to the indebtedness of the county, as the same appeared of record, whereupon it was ordered that the clerk prepare for publication and cause to be published for general circulation in the county a concise statement of the indebtedness of Shawnee County, so far as the same appeared of record, together with a statement of the purposes for which and of the order and authority by which, such indebtedness accrued.

At this meeting the clerk was ordered to give notice, by publication, to all persons holding demands against the county, of date subsequent to the first Monday in October in the year A. D. 1857, to present the same to the board on the last Tuesday in January, 1859, or file their claims with the clerk for presentation, before that date.

The probate judge, Edward Hoagland, at the meeting on the 30th of November, presented a petition to the board asking that his salary be fixed and that treasury orders be granted to him for such sum as the county might be in arrears to him. This petition, together with several others of a similar nature, being considered by the board, it was ordered that they be "laid on the table."

On the 14th of December the chairman of the board, Jeremiah Murphy, was requested to join the clerk in

preparing for publication a statement of the public indebtedness, as the clerk had been ordered to do so, on the 30th of November. On the next subsequent meeting of the board, January 4th, held at Auburn, the chairman and clerk were ready with their report, and presented the same, with resolutions, as follows:

*To the Citizens of Shawnee County.*

WHEREAS, Conflicting statements are in circulation in regard to the financial affairs of our said County, and consequent anxiety and mistrust, WE, the undersigned, County Board of Supervisors, have deemed advisable and do hereby submit for general information a detailed statement of all claims against the county of Shawnee, so far as they are enabled to discover the same from the public records, together with the occasion thereof.

It appears from files in the Clerk's office, that articles of agreement were drawn up between the Probate Judge and County Commissioners of Shawnee County and the Tecumseh Town Association, bearing date September 17, 1855, whereby the said Town Association contracted to "convey to the said Probate Judge and County Commissioners, or their successors, the plat of ground in said Town of Tecumseh, known as "Court Square," and also Lots No. 26 and 27 on the public square; and also for the construction of the brick-work, mason-work, digging, foundation and everything appertaining to that branch of the building and erecting of a Court House for said county, on the terms following, to-wit: After the rate of twelve dollars per thousand on the brick measurement when completed, and the usual mason's prices, say at Westport, for the stone work.

The said Town Association to be paid for the same in manner following, viz:

"One-fifth to be assessed and tax levied and collected under the first term prescribed by law, viz: commencing in February next (1856).

"Two-fifths in like manner in 1857, and the remaining two-fifths in like manner in 1858,—with ten per cent interest on the whole sum remaining unpaid, commencing from the COMPLETION of said work: County debentures or bonds to be delivered to said company in relative proportions, payable as above specified."

These articles were never fully executed, the same not having been signed by the said Probate Judge and County Commissioners, nor by any one else on behalf of the county.

It appears that bonds of the county have been issued to the said association, as follows to-wit :

July 20, 1857.....	500.00
August 15, 1857.....	2,725.00
May 22, 1858.....	708.05

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3,933.05

These bonds bear interest at the rate of 10 per cent per annum and thereon has accrued an aggregate interest at this date of.....	495.64
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\$4,428.69

In addition to this there is presented, a claim by the said Association for lightning conductors put up during the summer of 1858.....	37.50
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Showing a total of obligations to the said Town Association on account of the "court house" at this date, of.....	\$4,466.19
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It further appears that Duke N. Hunter, Superintendent of Public Buildings in Shawnee County, in accordance with Kansas Statutes, passed A. D. 1855, entered into articles of agreement with one Luther M. Carter, of Westport, Missouri, whereby the said Carter agreed to "furnish all necessary materials and labor, and in all respects finish the 'Court House' in the town of Tecumseh, so far as said building may require brick-work and lathing and plastering, and painting, excepted."

And said Carter was to receive therefor, the bonds of the county of Shawnee, to the amount of three thousand two hundred and thirteen dollars, payable, "one-third in one year from 1st of February, 1856; one-third in two years from 1st of February, 1856; and one third in three years from 1st of February, 1856; and bearing interest at and after at the rate of ten per cent per annum from the date of said bonds.

One-third of said bonds to be executed and issued to said Carter or his assigns on the execution of securities on his part to the contract; one-third when the roof is on, completed; and the remaining one-third when the job is completed by said Carter."

It appears of record that the bonds of the county have been issued to Luther M. Carter as follows :

On the 18th of August, 1856.....	1,071.00
On the 15th of December, 1856.....	771.00
Making of bonds issued to him.....	\$1,842.00
And leaving an amount yet due him, according to the terms of the contract, upon completion of his job, of.....	1,371.00
	<hr/>
	\$3,213.00
The accumulated interest upon the eighteen hundred and forty-two dollars of bonds already issued, is at this date.....	439.33
	<hr/>
Making total indebtedness to Mr. Carter as per books at this date of.....	\$3,652.33

PER CONTRARY.

On the 16th day of March, 1858, Mr. Carter presented before the Board of County Commissioners, bonds against the County in the sum of \$2,913.00 and demanded further bonds in payment of interest then due upon this sum as computed by him of \$565.13, and thus showing an indebtedness to him on that date, as claimed, of \$3,478.13.

How he came in possession of so large an amount of bonds of the county does not appear, but assuming that a larger amount has been issued to him than from the books appears, and that his claim actually amounted, on the 16th of March last, as he claimed, to the sum of \$3,478.13.

Then the aggregate indebtedness to him at this date would be interest added, \$3,750.00.

It further appears that county bonds were issued to E. G. Goforth on the —— day of ——, 1857, for painting done on the said building, in the sum of two hundred dollars,—but whether these bonds bear interest is not known to us.

In addition to the foregoing, there has been paid as per Treasurers Report, for lumber used in and about the court house, the sum \$91.30, and showing an aggregate expenditure on account of the same, amounting at this date, to the sum of \$8,556.49, as follows, to-wit:

Bonds issued to Tecumseh Town Association.....	4,466.19
Bonds issued to L. M. Carter as claimed by him.....	3,750.00
Bonds issued to E. G. Goforth and interest.....	249.00
Orders paid per Treasurer's Report.....	91.30
	<hr/>
	\$8,506.49

We find Treasury orders outstanding as follows :

No. 1, in favor of E. Hoagland, dated Sept. 24, 1855.....	7.50
No. 2, in favor of D. W. Hunter, dated Sept. 24, 1855...	67.00
No. 3, in favor of John Martin, dated July 21, 1856.....	80.00
No. 4, in favor of H. J. Strickler, Aug. 18, 1856.....	6.00
No. 5, in favor of Wm. O. Yager, Dec. 15, 1856.....	.75
No. 6, in favor of Wm. Yocum, Dec. 15, 1856.....	48.00
No. 7, in favor of L. M. Carter, Dec. 15, 1856.....	10.80
No. 8, in favor of John Martin, Feb. 23, 1857.....	56.50
No. 9, in favor of Jesse Franks, July 20, 1857.....	30.00
No. 11, in favor of Wm. O. Yager, Oct. 3, 1857.....	69.00
No. 12, in favor of Wm. Yocum, Oct. 3, 1857.....	30.00
No. 13, in favor of J. B. Whittaker, Oct. 3, 1857.....	54.14
No. 14, in favor of L. M. Carter, Oct. 3, 1857.....	65.00
No. 15, in favor of Edward Hoagland, Nov. 20, 1857.....	60.00
No. 16, in favor of John Martin, Nov. 20, 1857.....	85.95

Total	\$745.55
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To which if we add the amount of claims on account of the "Court House," \$8,556.49, there appears an ascertained demand of \$9,304.94.

Beyond the above there is a large amount of outstanding scrip, issued by the District and Probate Courts, to jurors and others, also for guarding and keeping prisoners ; dues to county officers during the past fifteen months, together with expenses for stationery, &c., of which no definite statement can be made, but which from the best information we can procure, we should estimate to be some fifteen hundred or two thousand dollars.

It thus appears that there are claims outstanding against the County, in the sum of about eleven thousand dollars.

It may be expected of us in this connection, to say something of the nature of the claims thus accruing, and of the course proper for the county to adopt in regard to them. But in this we shall be brief, preferring rather to leave a full discussion of the subject to the people at large.

As will be observed, the principal of the amount of claims, is an account of a building erected in Tecumseh, ostensibly for the purposes of a court house for the use and benefit of the county.

The so called Legislature of Kansas Territory, sitting at Shawnee Manual Labor School, in 1855, defined boundaries for Shawnee County, elected for us county officers, and prescribed ways in which they might proceed to the erection of county

buildings at an unlimited expense, thus characteristically withholding from the people any expression of their choice in the location of their county seat and making them liable to onerous taxes for the erection of county buildings, in place and in character, such as were entirely repugnant to their wishes.

We will remark in relation to the expenditures on account of the "Court House," that they were made in the most reckless disregard of the wishes of the county; and in relation to the claims on account of the courts during the years 1855-56 and '57 that they were without the pale of any law of the people of Kansas; neither receiving the regards nor the respect of any but the few who sought to impose them upon an unwilling and insulted people.

We therefore have considered that popular opinion, as well as our own feelings and duties, demand of us, on behalf of the people of Shawnee County an utter renunciation of any indebtedness of our county for any purpose whatever, accruing from any cause whatever prior to October 1857.

And therefore, we, the Board of Supervisors of Shawnee County, Kansas Territory, do hereby.

*Resolve*, That we will consider no claim against our said county, grant no allowance or order, and make no appropriation for the payment of any claim accruing prior to the first Monday in October, 1857. Fully repudiating and renouncing any and all liabilities of our said county by reason of any contract, agreement, bargain, allowance or proceeding; either through any person or persons having claimed authority thereto or otherwise, under any pretense whatsoever.

J. MURPHY,  
ALONZO H. HALE,  
GEORGE BRATTON.

F. W. GILES, Clerk.

Brownsville, K. T., Jan. 4, 1859.

It will be observed that the meetings of the board were not uniformly held at Tecumseh, the psuedo county seat. The laws of the first Free State Legislature had left them without restraint in regard to this matter, and they were pleased to avail themselves of all privileges in that line. The commissioners had held a meeting at Topeka on the 14th of December.

On the 25th of January, the commissioners again assembled at Topeka, and on that occasion "ordered that in view of the probability of a change in the location of the county seat of this county before the next meeting of the board, that the Hon. Jeremiah Murphy and Eli Hopkins be authorized to provide rooms for the several county officers, having regard to such change."

### REMOVAL OF COUNTY SEAT.

By an act of the Legislature, approved February 12, 1858, an election was provided for in the several counties to select a site for county seat—the election to be held at the same time of the election of members for the next Legislative Assembly—in October of the same year. The poll books of the several precincts were to be returned to the probate judge of the county, who was required to publish the result of the election for county seat, in five days after receiving them, whereupon the locality receiving the highest number of votes should become *ipso facto*, the county seat. The poll books were duly returned to his honor the judge, or rather to his office in common with the office of his clerk, as had been specially designated at his suggestion by the county board, but no notice was taken of them by him, or at least no publication was made of the result of the election as the law required, though it was soon known throughout the county that the vote had been largely in favor of Topeka. Finally the public became so indignant toward Judge Hoagland, who had now sympathized with the Free State sentiment, for his contumacy in refusing to publish the result of the election that he did on the 16th day of December publish a statement in relation to the election, but made it the occasion of assigning fourteen distinct reasons why the election was invalid and void—he formally declared it to be void.

The clerk of the county board ex-officio clerk of the probate court and recorder of deeds, then in turn became



revolutionary, and about the 10th of January brought away the archives of his several offices to Topeka.

The judge was exceedingly wroth at this, and without delay procured a writ from Associate U. S. Judge Elmore, which was duly served upon the truant clerk by Sheriff Maires, appointee of Geo. Denon as successor to Jehiel Tyler resigned, commanding him to appear before his honor at court on the following day to show cause why, &c.

The clerk obeyed the summons and presented himself at the court house in Tecumseh on the following morning. Judge Hoagland was present to present the case, but the clerk was without attorney and willingly confided the result to Judge Elmore. The Judge realizing the situation more fully than Hoagland, and perceiving wrong in him as well as in the clerk, imposed no penalty or word of reproof, but told the clerk to go his way.

On the 25th of January, the commissioners convened at Topeka again, and, with other business, ordered that Jeremiah Murphy and Eli Hopkins be requested to provide rooms at Topeka for the several county officers. On the same day of this action by the board, the Legislature, in session at Lawrence, passed the following law:

“WHEREAS, At an election held in the county of Shawnee, Territory of Kansas, on the fourth and fifth days of October, A. D. 1858, for the location of the county seat of the said county of Shawnee, by a direct vote of the people of said county, the city of Topeka was selected as such county seat:

“*Therefore*, Be it enacted that the county seat of Shawnee county, in the Territory of Kansas, shall be and the same hereby is, removed and permanently located at the said city of Topeka.”

Thus a subject which had caused much anxiety on the part of the rival towns of Tecumseh and Topeka, and for which Brownsville had put forth urgent claims, was finally disposed of.

On the 25th of January, the board of county commissioners appointed a committee with full power and authority to provide for a county jail at the city of Topeka, at an expense not exceeding six hundred dollars. In pursuance of the above order, an arrangement was entered into with the mayor and council of the city of Topeka, by which a small building was erected for their mutual use.

The county of Richardson was detached from Shawnee, for judicial purposes, in 1859, and the county of Osage in 1861.

At the township election, on the 28th of March, there were elected as county commissioners: From Auburn township, A. H. Hale; from Tecumseh township, Henry W. Martin; from Topeka township, Hugh M. Moore; from Burlingame township, S. R. Caniff. Mr. Hale was chosen chairman of the board.

During the year 1859, the commissioners were largely occupied in establishing a system of revenue for the county and the several municipal townships; in laying out roads; building bridges; granting ferries; regulating a common school system, and similar works incident to the public wants in newly organized communities. There was great difficulty in getting the revenue system to work effectually, so much so that it was late in 1859 before any funds flowed into the treasury, worth mentioning. For the year 1858, there had been a levy of \$2,645.14 for county purposes, and \$1,322.57 for purposes of the several municipal townships, as follows: In Topeka township, \$865.10; in Tecumseh township, \$923.64; in Brownsville township, \$491.28; in Burlingame township, \$365.12. No

part of this tax had been collected and returned to the county treasury, and but a very small percentage of it ever was collected.

At the legislative session in 1858-59, six counties—including much the largest part of the population of the Territory—had received permission to issue county bonds to defray court expenses; but Shawnee had not been one of them, confidently relying upon her ability to put the machinery of civilization in motion without resort to a public loan.

On the occasion of the March election, was submitted the question of holding a convention at Wyandotte, for the purpose framing a State Constitution. There was polled an aggregate vote of 426 in the county, of which 359 were "For Constitution," and 67 "Against Constitution." At the election held on the 7th of June, for delegates to that convention—four delegates to be elected—eight candidates were voted for. Of the votes cast, John P. Grier received the largest number (543), and Jeremiah Murphy the lowest number (50.)

At the election upon the adoption of the constitution, October 4th, the total vote cast was 780, of which 671 were "for the constitution"—109 against. On the 8th of November at an election for delegate to Congress and other purposes 702 votes were polled.

In the month of May U. S. Associate Judge Rush Elmon held his first district court at Topeka. In the following year the county board memorialized the Judge to hold no court in the autumn, on account of the distress of the people incident to the general failure of crops from drouths.

At a meeting of the board on the 21st of June the clerk was ordered to cause to be removed from the county seal "the human figure and the word Tecumseh."

On the 17th of November of that year the commissioners levied a tax for county purposes in the aggregate sum of \$9,415.52 upon the property of the several townships, as follows :

Topeka tp., \$3,018.20; Tecumseh tp., 2,370.14; Auburn tp., \$1,707.75; Burlingame tp., \$1,515.43; Wakarusa tp., \$804.00. The levy for common school purposes was two mills to the dollar valuation.

The expenses of the county were necessarily large and the burden greatly augmented by the necessity of its using its credit for every expense incurred. County orders could only be used at about fifty per cent. of their par value in the fall of 1859. The items of expense for 1859 were, for pay of civil and judiciary officers, \$3,734.72; for defraying the expenses of criminal cases and care of prisoners, \$1,081.87; for defraying expenses of U.S. District Courts, \$2,904.14; for the construction of highways and bridges, \$2,302.00; for stationery, books, fuel and furniture for use of public offices, \$253.16; for support of poor, \$232.25; for rent of public offices and court room, \$182.00; for printing, \$73.50. Total, \$10,762.64.

### THE TOPEKA LAND RECORDS.

There appears upon the public records of the county an order by the board of commissioners, under date of January 21st, 1860, largely personal in its nature, but deemed to be of some public importance and therefore given. The order referred to reads "That the county attorney be and is hereby authorized to institute an action against F. W. Giles, late Recorder of Deeds of Shawnee County, for the recovery of any books of record, which contain any record of deeds which are required by law to be kept or filed with the Register of Deeds of the county of Shawnee, and which the said F. W. Giles retains in his possession and refuses to deliver to his legal successor in office."

In explanation of the foregoing action it may be well to say, that the man against whom this order was directed, had, in the spring of 1857, of his own unadvised volition, and at his individual expense, procured books, and for a nominal fee, kept a record therein of such transfers of inchoate title as had passed between the members of the Topeka Association and others; and which were based entirely upon certificates issued by the trustees, to the effect that upon their acquiring title of the land from the United States, the holder would be entitled to receive title from them of a given property or lot. The holders of these trustees' certificates were in the habit of transferring them by endorsement, requesting the trustee to make deed to the transferer, or, at other times, making an informal deed of the lot described in the certificate, and adding an order addressed to the trustees to make deed to the holder.

To the end that confusion of rights might not occur in the town company, and especially that the trustees might be prepared to do justice in the premises, these records had been opened to such as might desire to have their papers recorded.

At the session of the Legislature in the winter of 1858-59, these records were thought to be of sufficient importance to justify an act, of which we append the first section, as follows :

“SECTION 1. That the books of registry of transfers of lots in the city of Topeka, as kept by F. W. Giles, be and the same are hereby legalized, and shall be evidence in all courts of law or equity of the transfer of title in said city of Topeka; and it shall be the duty of all persons to have transfers of titles registered in the said registry, until such time as the fee simple of said lots can be obtained from the United States or others; when the same shall be recorded in the records of the office of the county

in which said city of Topeka is situated, and said books then filed."

The act may be seen in Private Laws of 1858.

Upon retiring from the office of county clerk, ex-officio recorder of deeds, which he held at the time of the passage of the foregoing act, the author of these "Topeka Land Records" had taken them with him, as their only proper custodian, and hence the procedure against him. To avoid the trouble of litigation he permitted them to go into the custody of the public officers of the county. Whether they are rightfully there—whether records may be lawfully made in them by another than their author—are questions of some interest, but which have not been adjudicated.

### CHANGE OF COUNTY LINES.

By an act of the Legislature, at the session of 1859-60, there was detached from Shawnee County, on the south, all that territory previously belonging to the county and lying south of the township line, between towns Nos. 13 and 14, amounting to six full government townships;—and by the same act there was detached from Jackson County and added to Shawnee all the territory previously belonging to Jackson and lying south of the second standard parallel, amounting to a little more than two government townships.

This action was largely prompted by a desire on the part of the people living in the northern part of the county, and particularly at Topeka, to render that town more central in the county, and thereby strengthen its claims to permanently remain the county seat. The action was reciprocated by a similar feeling by the people of Burlingame with reference to making that town the county seat of Osage county. It was particularly grievous to the town of Auburn which had been founded some-

what upon the probability of its becoming the county seat of Shawnee. A hope to that end was strongly cherished by its people till after the change of county lines before named.

This action necessitated a reorganization of municipal townships, and on the 17th of March, 1860, by action of the county board the number of townships was reduced to three, namely: Tecumseh township, including in its boundaries all the eastern portion of the county lying south of the river; Topeka township, comprising the newly acquired territory lying north of the river, and the northwest portion of the county lying south of the river; and Auburn township, comprising the southwest portion of the county.

This limited number of townships being unsatisfactory to the citizens, on the 20th of April Monmouth Township was organized from the southern portion of Tecumseh township; Williamsport, from the eastern portion of Auburn township; and the newly acquired territory lying north of the river was enacted into the township of Soldier; and on the first of October the township of Dover was enacted from the west portion of Auburn township.

By the ever memorable drouth of 1860, Shawnee, in common with other districts, suffered very greatly. The labors of agriculture at that time were confined almost entirely to the growth of corn and vegetables, and of which hardly a bushel matured that year, for want of rain. Many people left the county, and large sections then depopulated have remained so to this day.

On the occasion of the elections in March, 1860, 742 votes were polled, but in November, at an election of much greater general interest, but 591 votes were polled.

The decrease of population in eight months was

probably considerably above 20 per cent. in Shawnee County.

The aggregate indebtedness of the county was reported by the commissioners on the first of October, to be \$8,267.30.

The valuation of the property for purposes of taxation was returned in 1860 at \$1,229,617. The levy for county purposes was fixed at seven mills, for general purposes; and a special tax of two mills on the dollar for roads. In addition to these, a tax was imposed for township purposes, in Topeka, of seven mills per cent., and in each of the other townships of one mill to the dollar.

The financial report of the year shows the receipts from taxes and other sources to have been \$9,270.37, and the total expenses to have been \$10,977.74.

## TOPEKA FROM 1857.

### THE FIRST BRIDGE.

Returning to consideration of affairs local to Topeka as we left them at the close of 1857, our attention is first arrested by a bridge enterprise. During the winter of 1857-58 Messrs. Jones and Kidney, men of some engineering skill arrived at Topeka and finding the people anxious for a bridge across the Kansas river, made a cursory examination of the river bed with reference to the practicability of constructing a pile bridge. They reported the plan feasible, whereupon a contract was made with them by a previously existing bridge company, to build the bridge for the sum of about \$10,000 and have it completed for use by the first of July, 1858.

The winter proved very favorable for their work, so much so that the bridge was passible by the first day of May—the first bridge that spanned the Kaw.



The Topekans were greatly elated at their achievement and visions of commercial greatness were cherished as a substantial thing already in hand. Notices of the bridge were made wherever they could be of interest, and were responded to by an amount of travel that had never concentrated at any point on the river before. There are many things of interest in connection with this work—especially to Topekans of that period—but the limited proportions of this sketch will not permit of their narration here.

But the bridge was a frail thing—no way equal to the majesty of the Kaw when “on a high.” In the following July there came heavy and continuous rains throughout all the country drained by the river, and a flood rolled down the valley such as, it was said, had not been seen since 1844. Every possible effort was made to save the bridge by the citizens, but all of no avail. On the morning of the 17th of July the water reached the flooring of the bridge and it swung in sections down the stream, bearing upon the fragments two spirits more determined in their zeal to clear away the drift and save the bridge than others, Messrs. James A. Hickey and G. G. Gage.

The few weeks that the bridge had been in use had been ample to demonstrate its convenience to emigrants and freighters, and to show it almost a government necessity. It was useless for the little community to think of rebuilding without foreign aid, so an urgent and well supported appeal was made to the Secretary of War, J. B. Floyd, for assistance to the amount of \$20,000. But the secretary, for other reasons than any undue affection for Free State towns in Kansas, heeded not the call.

This bridge was at the locality of the present one and some of its piles may still be seen leaning in the river

bed. It had a draw of the turntable order, to admit the passage of boats.

Ferries were reestablished and no further efforts were made for a bridge till 1865. In October of that year a pontoon bridge was completed that rendered valuable service for several years.

### STEAMBOATING ON THE KAW.

We have spoken of a draw in the bridge for the passage of boats, a provision that to persons who have come to Kansas within the railroad era, may seem bordering upon the ludicrous, but if they could realize the importance that was attached to the question of the navigability of the Kaw by the first settlers, they would see that this draw in the bridge represented a profound sentiment of hope. The fact that supplies for Fort Riley were taken direct from St. Louis by steamboats in 1844, was familiar to the settlers and of great interest.

In the summer of 1855, and every year thereafter till 1860, steamboats visited Topeka, and some went beyond, as far at least as Manhattan. Their arrival was always heralded with great satisfaction, and the little transportation that Topeka had was cheerfully given to the river boats, as many as three at a time having been seen at the muddy bank near the foot of Madison street, dignified by the name "levee." We take the following from the Topeka Tribune of June 2, 1859:

"The arrivals and departures of steamers at our levee during the past week has already made quite an addition to the business appearance and prospects of our city. The *Calona* came up on Friday evening; the *Otis Webb* on Saturday, and the splendid little packet steamer *Col. Gus. Linn* landed on Saturday morning. All three of these boats brought large shipments of merchandise for the Topeka market, and the first and second named boats,

which turned about at this place, took away fair cargoes of corn, etc. The officers of the *Gus. Linn* informed us that the river was in better condition for boating—less snags and sand bars—between Lawrence and Topeka, than between Lawrence and the mouth of the river.”

The warfare for free Kansas having been finally decided by the elections in the fall of 1857, immigration was large in the succeeding year, and exclusively from the free States. The predilections of these people led them to settlement in or near the free State towns. From these causes, with others, Topeka took up the march to a greater population and influence, with a firmer trust than had previously attended her course. A municipal government was organized, schools and churches and other public interests advanced; and private enterprises—strengthened by the general firmness, politically and socially, that marked the new life of Kansas—inclined to the construction of better dwellings; hotels, and store-houses than before, and gathered rapidly around itself the finer threads of civilization abandoned in the East for the sterner work of life in the West.

The buildings erected in Topeka in 1859 were estimated to have cost from \$60,000 to \$70,000—independently of many improvements to buildings previously erected. This would imply a large number of buildings of the quality then usually built. The increase of material wealth during the year was computed at \$100,000, and the increase to the population to have been 1,200—a high estimate.

During the winter of 1854–55, the founders of Topeka passed the evenings in their lowly and unlighted cabin in conversations upon subjects pertaining to their enterprise. The writer well remembers the subject of railroads was under consideration one evening, when the remark was made by M. C. Dickey, that in ten years from that

time we would have a railroad to Topeka. The remark was followed by a general laugh over what seemed so ridiculous a remark, for at that time there was no railroad within four hundred miles of us—or at Alton, Illinois.

### ST. JOSEPH AND TOPEKA RAILROAD.

By the Territorial Legislature of 1856–57, there was chartered a corporation with the above title. As its name imports, the purpose of the company was to build a railroad from St. Joseph, Mo., to the little rude settlement in Kansas styled “Topeka,”—a word sometimes defined in those days, and not rightly, to signify *To peak*—to look into, or around, to see what was going on.

The company was fully organized at St. Joseph on the 16th of June, 1857, by the election of Reuben Middleton, Armstrong Beatti, W. P. Thompson, C. K. Holliday, F. L. Crane, M. C. Dickey, A. L. Lee, John Steward, E. H. Grant, John W. Foreman, R. McBratney and Robert Riddle, as directors.

The directors organized by the choice of W. Prodas Thompson, President; F. L. Crane, Treasurer; and R. A. Johnson, Secretary. At the time of this organization, the Hannibal & St. Joseph road was not built more than half way across Missouri, and the Missouri Pacific had not passed Jefferson City. George Willard Hall, at the time president of the Hannibal & St. Joseph road, was a man out of time in Missouri—he knew he was building that road for some purpose, and for what better purpose than to strike the center of Kansas, as it was then understood to be, and at once afford the impatient people of that Territory a ready means of communication with their eastern friends.

Mr. Hall took an active interest in the road at once, visited Topeka and many points on the line of the road, to work up an interest in it, and declaring it his desire

to have the road constructed from the Missouri river to the Kansas river simultaneously with the completion of the Hannibal and St. Joseph.

The Topeka Association issued a stirring "Railroad Circular" which it distributed extensively in the East. It is a document of great interest now, but we must content ourselves by transcribing a few extracts.

"Not only would the greater portions of Kansas be tributary to it, but in conjunction with the Hannibal and St. Joseph and the northern cross rail roads it would constitute the main thoroughfare between the southwestern and northern and northeastern states. There is reason to believe also that the main track of the Pacific road, in case of the early completion of this road, would be extended from this terminus, and the R. R. to the Gulf of Mexico, recommended by Gov. Geary in his recent message, would also probably connect with it at this place.

"This road from the considerations already named, will make the route from Chicago to Topeka the most important thoroughfare of trade and travel in the United States—with Chicago for the point of concentration from the North and East, thence passing over the Chicago and Quincy, the Hannibal and St. Joseph and the St. Joseph and Topeka roads to Topeka, the distributing point for Southern and Western Kansas, Oregon, New Mexico, California and Texas."

If the language of these extracts seems extravagant, it is but necessary for one to go back in imagination twenty years and scrutinize the situation of commerce and communication as they then existed, to see that it is but tame reality. We hesitate not to say, that for comprehensiveness and boldness, the scheme of striking across Missouri to a point on the Kansas river a hundred miles interior, its date being remembered, was one of the most intelligent and bold conceptions of railroad building that has marked the age.

St. Joseph and Doniphan each subscribed \$50,000 to the enterprise, and Topeka \$30,000. The *Doniphan Post* in an editorial upon the subject in November, 1859, said : "A very wealthy company has charge of the building of the road ; all the necessary surveys have been made; all the towns along the route have taken large subscriptions, the principal part of which they will pay up immediately, in grading from their respective places, so as to secure its completion in the shortest space of time possible.

"Already a great deal of heavy work has been done on this part of the route. Two miles have been put in order for the iron and several miles more let out in short sections so as to secure the grading of the first two miles before winter sets in. We confidently expect to have a railroad connection with Doniphan by the Fourth of July and with Topeka in less than two years."

The Hannibal and St. Joseph road had been completed in the previous February.

Even during the calamitous year of 1860, when every other interest in Kansas languished, this one worked steadily on and it seemed that Topeka was to be the first town on the Kansas river to enjoy railroad advantages.

But it was not alone the St. Joseph and Topeka road that elated the Topekans in 1859.

## THE KANSAS CENTRAL RAILROAD.

In the spring of that year W. Y. Roberts and associates, interested in the town of Wyandotte, inaugurated an enterprise of a railroad up the Kansas valley from their town to Fort Riley. They associated with themselves certain capitalists of Pennsylvania, and, securing the services of Engineer O. B. Gun entered immediately upon the work of survey. A line was first surveyed from Wyandotte to Lawrence on the north side of the river, thinking to cross the river at that point and con-

tinue on the south side to Topeka. Subsequently, in the same year, a survey was made upon the south side between Wyandotte and Lawrence to determine which was the more feasible route, and thence continued to Topeka where the line recrossed the river to the north side. This road was styled the Kansas Central. It was expected by the projectors that a road would be extended down the Missouri river from St. Joseph and thus afford them connection by that route at an earlier day than the spirit of the Missouri Pacific would justify them in expecting by it.

The hopes of Topeka in March, 1860, in view of the encouraging railroad prospects, are set forth in an editorial of the *State Record* as follows:

“With the rapid advancement of the St. Joseph and Topeka railroad we foresee the opening up for Topeka of a future unparalleled for brilliancy in the West. The assured completion of this road (the St. Joe and Topeka) will make an almost air line to all points of the North and East, giving us communication with the great commercial marts of the country, and affording us a speedy outlet for the immense productions of this fertile valley. The Kansas Central road will not be long behind the St. Joe in reaching this point, and then we will have concentrated here a railroad interest which will attract capital and trade from every direction and tend to the aggregation of commercial interests at this point sufficient of themselves to create a city of the first magnitude. With the completion of one or both of these roads, the immense trade of New Mexico will at once make its depot here, throwing into our city a commerce far surpassing that which constitutes the glory of Damascus in the day of her greatest prosperity.”

In justification of what may now seem extravagance in the foregoing anticipations, it should be remembered

that the enterprise of the St. Joseph & Topeka road was in such state of forwardness as to demonstrate the practicability of its completion to Topeka within one year of the time the article was written, even by the slow process of construction then practiced, and that the wealthy stockholders of the Hannibal & St. Joseph road were fully conscious of the advantages of an early extension of their road into the heart of Kansas.

It is idle to speculate about what might have been—and yet it is interesting to remember, in this connection, that, with the two roads completed to Topeka in 1861; with a road from Emporia to Topeka, as was then probable, in a year or two thereafter, and no road to Kansas City from the East till the summer of 1866, Topeka would unquestionably have enjoyed facilities and time for commercial growth, in a pre-eminent degree. To the great drouth of 1860 in Kansas, and to the cloud of civil strife gathering blackness over the nation during that year, and culminating in the storm-burst of 1861, may well be attributed the changed results.

### RAILROAD CONVENTION.

On the 7th of October, 1860, a general railroad convention was held at Topeka, at which about 125 delegates were present. Many railroad schemes were under consideration, as it was expected that when Kansas should be admitted into the Union, a grant of lands for railroad aid would be made, and it was deemed advisable to have a previous understanding as to the routes that should receive them.

The schedule agreed upon embraced five distinct lines of road, the two immediately affecting Shawnee County being as follows:

“A railroad from the city of Wyandotte up the Kansas Valley, by way of Lawrence, Lecompton, Tecumseh,



Topeka, Manhattan and the Fort Riley Military Reservation, to the western boundary of the Territory." "A railroad from Atchison, by way of Topeka, through the Territory in the direction of Santa Fe."

The schedule, as agreed upon, was generally satisfactory to people, and in subsequent years was carried out with an unusual degree of faithfulness, in such matters. The Leavenworth, Pawnee & Western Railroad Company had been organized, and on the 14th of June procured the passage of an act by Congress authorizing the sale of the Delaware trust lands in the interests of that road. This produced some uneasiness at Topeka, lest that road should be built, as its landed interests seemed to dictate, on the north side of the river past Topeka. These apprehensions strengthened as time elapsed, and Topeka men made strenuous efforts to induce the company, when it should build its road, to cross the river at Tecumseh, and continue westward thence on the south side. A preliminary survey was made, at the expense of Topeka, through Wabaunsee County, to demonstrate the practicability of that route.

#### UNITED STATES MAIL ROUTES.

Kansas, from various causes, had been subject to deficiencies and irregularities of mail service, as well as in other things. Congress had, in 1858, established necessary routes, but from a failure to make necessary appropriations, mail service could not be supplied till the fall of 1860. We give below a list of routes affecting Topeka, as they were let on the 31st of July of that year:

From Topeka, by Brownsville, Wilmington, Wau-shara, Allen and Orleans to Plymouth and back, once a week.

From St. Joseph, in Missouri, via Atchison, Palmyra, Geary City, Doniphan, Monavia, and Grasshopper Falls to Topeka and back, three times a week.

From Topeka, by Quincy and Eagle City to Shellrock Falls and back, once a week.

From Cottonwood Falls, by Cahola, to Topeka and back, once a week.

From Topeka, by Lecompton and Willow Springs, to Minneola and back, three times a week.

From Topeka, by Mission Creek, Wadsworth, Fremont and Alma, to Wabaunsee and back, three times a week.

Many of the localities here named are now forgotten, but in that day they had prominence, and were hopeful of becoming important business centers.

### THE STATE CAPITAL.

But the subject, above all others, of unwaning interest to Topeka, almost from the day it was founded, was the possibilities and the hopes and the probabilities of her becoming the State capital. She had succeeded in the Topeka Constitutional Convention in having herself named as the capital, and as a consequence had gained prominence as a candidate for that position. In the repeated conventions that were subsequently held to frame State constitutions, Topeka always urged her claims for the honor, and with universal success. In accordance with popular sentiment, the question of locality must be submitted to a general vote, and the Wyandotte constitution provided as follows:

“SEC. 8. The temporary seat of government is hereby located at the city of Topeka, county of Shawnee. The first Legislature under this Constitution shall provide by law for submitting the question of the permanent location of the capitol to a popular vote, and a majority of all the votes cast, at some general election, shall be necessary for such location.”

In obedience to this injunction the first State Legislature passed an act to provide for the permanent location of the State capital, the first section being in the following words :

“SECTION 1. That there shall be an election for the permanent location of the State capital on Tuesday succeeding the first Monday in November, A. D. 1861, and, no place receiving a majority of all the votes cast, an election for the permanent location of the State capital shall be held at each succeeding general election, on the Tuesday succeeding the first Monday, until some place shall receive a majority of all the votes cast.”

The people of Shawnee County were apprehensive for results as they approached the final ordeal and would have preferred that the important election thus precipitated upon them, should have been deferred for a few years. But for similar reasons why Shawnee preferred a postponement of the final contest, her competitors desired its precipitation, and in this they prevailed.

The election soon became the absorbing theme, especially in Shawnee and Douglas counties, the chief towns of which were so largely interested in the result. There were many difficulties in conducting the canvass, peculiar to a sparsely settled country, chief of which were the difficulties of travel, there being no railroads and few routes of public conveyance. The chief fields of contest were in Leavenworth and Atchison counties and in the counties north and south from Shawnee. A good deal of what politicians call heavy work, was done, especially at Leavenworth City, the vote of which was divided between Topeka, Lawrence and herself, though preponderating to Topeka. Leavenworth had no expectations of being elected and the vote reserved to herself would have been given to Topeka but for the persistent efforts of Lawrence to get it.

The vote polled upon the question, in the State, was 14,471, of which Topeka received 7,996; Lawrence, 5,291, and all others 1,184. Very much the largest number of counties voted for Topeka.

The sessions of the House of Representatives for 1861, 1862 and 1863 were held in a building now forming the front portion of Costa's Opera House, and the sessions of the Senate, for the same period, were held in a large building that stood upon the southwest corner of Kansas and Sixth avenues—known as the Ritchie Block.

By an act of the Legislature, approved March 2, 1863, the Secretary of State was directed to enter into a contract on behalf of the State, with Messrs. Gordon, Mills, Gage and Farnsworth, to erect a temporary capitol building upon lots 131, 133, 135 and 137 Kansas avenue, in the city of Topeka, according to plans and specifications, and to lease the said building for the term of five years, with the privilege of ten years, at the annual rental of \$1,500; the property, under the same act, being exempted from all taxation during the period of its occupancy by the State.

The contract was duly entered into, the building erected and taken possession of by the State officers in the following autumn. The building occupied by the Topeka Constitutional Convention in the fall of 1855 for framing that somewhat famous document, and locally known as "Constitution Hall," was embraced within the limits of the building prepared for the State—the principal room thereof becoming the Senate Chamber.

At the session of the Legislature in 1862, the twenty acres of ground in the city of Topeka, now known as "Capital Square," and upon which is located the State House, was presented to the State by the Topeka Association, and accepted by joint resolution, as follows:

“That the tender to the State of Kansas of a block of land in the city of Topeka, suitable for capitol purposes, made by the Hon. C. K. Holliday, as president and special trustee of the Topeka Association, is accepted, and that the Auditor of State is hereby authorized to receive the deed thereof, in behalf of the State, and cause it to be properly recorded and preserved.”

The first appropriation for building a State House was made at the session of 1866, and during that year the foundations were nearly completed, but the frosts of the winter proving destructive of the stone used—taken from a quarry a mile to the southeast of Topeka—the work had to be rebuilt of other stone. The east wing was completed for occupancy in the fall of 1870.

The session of the first State Legislature and the concentration of State business at Topeka added largely to the general movement upon the streets, and considerably to the local business of the town; and thereafter, the influence of the State business has been all that had been anticipated, probably; though in later years that influence has not been so apparent on account of the greater prominence of other influences upon the prosperity of the town.

The coming of the State and Federal Courts, too, contributed largely to the general weal of both the town and county.

On the 14th of April, 1860, the county commissioners published the following in response to conflicting rumors in regard to the financial condition of the county.

“Whole amount of county orders issued from and after the first Monday in October, 1857, \$12,354.78. Amount of tax levied to meet the above indebtedness, \$12,060.66. Amount against the county for which no provision has been made by taxation, \$294.12. In ad-

dition to the above named sums there is between four and five thousand dollars in the form of warrants and bonds which were issued prior to the first Monday in October, 1857, and which have been repudiated by our predecessors as constituting no just debt against the county. The question of the responsibility of the county for the repudiated bonds is now before the courts, and all persons are hereby notified that the present board does not intend to recognize such bonds as valid unless compelled to do so by the highest courts.

G. W. SPENCER,  
J. M. HAYWOOD,  
WM. C. BOWKER. } Commissioners."

The expenses of the county for 1861 do not seem to have been very accurately kept, but were reported by the commissioners to have been the round sum of \$10,000. The levy that year for county purposes was one per cent. Upon Topeka township for township purposes, .0013, and in each of the other townships one tenth of one per cent. The commissioners did but little business that year, a fact for which there is possibly occasion for gratitude. The year 1861 should be remembered as a year of important events to Shawnee county.

From 1861 to 1865 the thoughts and efforts of the county in common with all the country were so absorbed by the terrible conflict that raged between the free and the slave States of the Union that few works of importance in a matured way were entered upon. Still it may be said that during all that dreary period there was a general prosperity in Shawnee County. The agricultural interest—especially in the valley of the Kansas river—was steadily advanced and the city of Topeka, year by year, added to her population, wealth, beauty and influence.

During the period of the war, Shawnee County contributed largely of her men to the armies of the Nation,

never falling behind nor faltering in works of patriotism with her associate counties, nor Kansas with her associate States. And what Shawnee County did for the cause of the Nation, she did ungrudgingly and without complaint. The scenes of battle were generally so far from her borders that the dead from Shawnee were not returned to her. Scenes of patriotism and of grief fill the mind as we write, but which can have no place in this narrative. It is not well to pass unnoticed, however, the going out from Topeka on the morning of the 12th of October, 1864, of Shawnee's regiment to do battle with the invading army of Gen. Price.

Those who witnessed and those who took part in the scenes of the untrained militia as it formed on Sixth Avenue and moved out to the east in its varied equipage and followed by its incongruous huddle of farm wagons and teams in haste to be a military train, know the spirit in which men leave their families and go into battle.

From the dearly bought victory at Big Blue on the 22d there were returned for rights of honor and sepulchre the bodies of—

HARVEY G. YOUNG,  
McCLURE MARTIN,  
NICHOLAS BROWN,  
GEORGE GINNOLD,  
CHARLES H. BUDD,  
LEAR SELKIN,  
R. J. BOLLES,

JAMES P. ALVERSON,  
D. DRAKE,  
SAMUEL ALLEN,  
ROBERT McNOUN,  
ALBERT CAHPMAN,  
HIRAM C. COVILL,  
DANIEL HANDLEY,

W. P. ROBERTS.

Ground was specially set apart in the Cemetery by the generosity of its proprietor, and on the 10th of December were transferred to it, from temporary burial near Wyandotte, the bodies of these patriot dead.

It was an occasion of gloom and lamentation, such as has at no other time rested upon the people of Shawnee County. There upon that unkept ground, sacred in the memory of all who esteem the character that can do sacrifice for another, it is yet the pleasure of our people to annually gather the garlands of May, and refresh the memory of their heroes. So let it be.













